IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4016 of 2006 (O&M)
DATE OF DECISION: 31.8.2006

United India Insurance Company Ltd.

...Appellant

versus

Bimla Rani and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr.Justice Mahesh Grover.

Present: Mr.Sanjiv Pabbi, Advocate
for the appellant.

UMA NATH SINGH, J. (ORAL)

This FAO by the Insurance Company arises out of an award dated 17.4.2006 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Hisar, in MACT Petition No.54 of 2003, awarding a sum of Rs.3,70,000/- in death case of a driver of a truck (HR-11-GA-0363).

Learned counsel submitted that the licence of the driver was found to be fake by the Tribunal but the Insurance Company has not been granted recovery rights.

We have carefully perused the award. In respect of the insured vehicle for the damage caused to it in the accident, admittedly, the Insurance Company has paid the compensation. Strangely enough, before the Tribunal, the Company has taken a contrary stand that the said vehicle was not at all involved in the accident. Further, the Company has now come with a plea that the driver of the offending vehicle was not holding a valid driving licence. Conduct of the Company being self contradictory does not need any indulgence of this Court in appeal.

In the premises, we do not find any merit in the appeal and it is dismissed as such in limine.

(UMA NATH SINGH)
JUDGE

August 31, 2006 **(MAHESH GROVER)**
pk **JUDGE**